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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,558	10/16/2003	Hideaki Funakoshi	04995/121001	1170

7590

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EXAMINER

VENT, JAMIE J

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,558

Applicant(s)

FUNAKOSHI ET AL.

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed September 30, 2005 have been fully considered but they are not persuasive. On pages 4-5 applicant argues that Honjo fails to disclose the following limitation "a audio output unit configured data expanded by the expansion output the audio an operation unit including a high speed reproduction key for reproducing the compressed video and audio data in n-fold (where  $n > 3$ ) speed. It is noted in Figure 4 shows the audio decoder wherein the operation unit decides the reproduction speed of the video and audio data as further described in Column 6 Lines 15-35. The speed of the reproduction can change n-fold times and thereby meeting the limitation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., non-uniform n-fold speeds) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 is rejected under 35 U.S.C. 102(b) as being unpatentable by Honjo (US 5,787,225).

**[claims 1 & 6]**

In regard to Claims 1 and 6, Honjo discloses a reproducing apparatus for reproducing video information, the apparatus comprising:

- a readout unit configured to read out from a recording medium compressed video and audio data compliant with MPEG format having a structure of sequential video information blocks in a predetermined number of frames (Column 3 Lines 45-60 discloses the readout unit wherein the recording medium compressed video and audio data as further seen Figure 2);
- separation unit configured separate the video data and the audio data from the compressed video and audio data read out by the readout unit;
- an expansion unit configured to respectively expand the video data and the audio data separated by the separation unit (Figure 2 shows the separation of the video and audio so the streams can go to the video decoder circuit 6 and the audio decoder circuit 7 for processing);
- a video output unit configured output the video data expanded by the expansion unit (Figure 3 shows the video decoder circuit wherein the video is prepared for output through output terminal 11);

- a audio output unit configured data expanded by the expansion output the audio an operation unit including a high speed reproduction key for reproducing the compressed video and audio data in n-fold (where  $n > 3$ ) speed (Figure 4 shows the audio decoder wherein the operation unit decides the reproduction speed of the video and audio data as further described in Column 6 Lines 15-35); and
- a control unit configured to control, a case where the high speed reproduction key is operated, the expansion unit order to perform reproduction of the compressed video and audio data by one frame every several frames corresponding to the n-fold speed and to perform reproduction normal speed or number of frames, alternately (Column 6 Lines 10-35 describes the control unit wherein the reproduction speeds of the video and audio data).

**[claims 2, 7, & 8]**

In regard to Claims 2, 7, and 8 Honjo discloses a reproducing apparatus further comprising a setting unit configured to variably set the number of frames to perform the reproduction two-fold speed a predetermined normal speed or in the two-fold speed in the high speed reproduction (Figure 2 shows the high speed reproduction control circuit 8 shows the setting unit and further described in Column 5 Lines 18-67 describes the reproducing apparatus wherein the unit is sets the number of frames to perform the reproduction in various speeds).

**[claims 3 & 5]**

In regard to Claims 3 and 5, Honjo discloses a reproducing apparatus wherein the setting unit comprises a setting key arranged in the operation unit (Figure 2 high speed

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reproduction control circuit shows the input 13 which is used a setting key in the system).

**[claim 4]**

In regard to Claim 4, Honjo discloses a reproducing apparatus comprising a selection unit configured to alternatively select selection unit configured to reproduce in normal speed two-fold speed for the predetermined number of frames in the high speed reproduction (Column 6 Lines 12-35 describes the selection unit wherein reproduction can be done in various speeds).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent  
12/22/2005

  
ROBERT CHEVALIER  
PATENT EXAMINER